

JULY 21, 2014

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Vice Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Barton, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Creedon, Keggan, Hazen.

Absent: Vaezi.

Also present: William Edleston, Esquire; Jennifer Keggan, EIT (present for the Township Engineer)

The Pledge of Allegiance was recited.

Regarding the minutes of the May 19, 2014, J. Keggan indicated the word *shown* in the paragraph on page two beginning with "DiSessa" (in the middle of the page) should be changed to read *show*. On page four, J. Keggan amended the second sentence in the paragraph beginning with Mayor to read "DiSessa replied the Father *may have* been taken . . ."

MOTION was made by **HIGHT** to approve the minutes of the May 19, 2014, as amended.
SECONDED: WATTERS.

Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Hazen.

Opposed: None.

Abstained: None.

Regarding the minutes of the May 19, 2014 executive session, Drazek stated she attended the executive session, but was not indicated as present.

J. Keggan amended the third sentence in the first paragraph beginning with *Edleston* by changing the word *year* to read *years*.

MOTION was made by **MAYOR TOMASZEWSKI** to approve the minutes of the May 19, 2014 executive session, as amended.
SECONDED: HIGHT.

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Those in favor: Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Hazen, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

MOTION was made by **WATTERS** to approve the resolution for Case #14-03, Joseph Marchese, as amended.

SECONDED: HIGHT.

Those in favor: Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters.

Opposed: None.

Abstained: None.

Case #14-04, James & Natalie Deming

Present for the applicants: James & Natalie Deming

The Demings were sworn in by Edleston.

MOTION was made by **MAYOR TOMASZEWSKI** to deem the application for Case #14-04, James & Natalie Deming complete.

SECONDED: HIGHT.

Those in favor: Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Barton.

Opposed: None.

Abstained: None.

N. Deming explained they would like to construct a two-car garage, which will allow them to convert their one-car garage into living space.

J. Deming explained the home is currently a non-conforming structure, which was constructed over the setback line. The lot is also a unique shape, and they are unable to purchase additional land to square the lot. J. Deming stated it would be cost prohibitive to add another floor to the home. J. Deming explained the neighbor's home is constructed offset on their lot, and there is probably 100' and a tree line between the homes. The neighbor has viewed the plan and has made no objection to the plan.

The hearing was opened to the public for comments and questions. There were no comments or questions and the hearing was closed to the public.

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MOTION was made by **FARINO** to grant the variances for side yard setback and combined total side yard footage for Case #14-04, James & Natalie Deming, subject to conditions.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **DRAZEK** to direct Edleston to write a letter to the Construction Department authorizing the ability of the applicant to obtain a building permit prior to the resolution adoption provided they meet all conditions of approval, and meet the Construction Department requirements.

SECONDED: BARTON.

Those in favor: Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Spender Farino, Drazek, Barton.

Opposed: None.

Abstained: None.

Case #14-05, Patrick McKelvie

MOTION was made by **MAYOR TOMASZEWSKI** to deem the application for Case #14-05, Patrick McKelvie complete, and to schedule for public hearing for the regular meeting in August.

SECONDED: HIGHT.

Those in favor: Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Barton.

Opposed: None.

Abstained: None.

Case #14-06, Warren County Board of Chosen Freeholders

Present for the applicant: Joseph J. Bell, Esquire; Michael Finelli, P.E.; Edward Smith, Freeholder, Alex Lazorisak, Warren County Department of Public Works

Edleston explained the application, according to the County, is a courtesy application, and the Land Use Board is pre-empted from some decisions. Edleston stated any concerns or recommendations the board might have can be voiced, and the hearing will be open for public comment, but the application is basically a procedural application. Edleston stated the hearing is in no manner political, and is only procedural in nature.

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Edleston stated any board member that has a resident, or a family member that works within the subject site, should recuse themselves.

Bell read a prepared statement explaining the proposed major subdivision of the County owned property.

All the witnesses for the applicant were sworn in by Edleston.

Smith stated the entire Freeholder Board has approved the proposed major subdivision, and support the application.

Entered as Exhibit A-1 – aerial image of the property from 2007 showing the proposed subdivision, and dated 6/30/14

Finelli explained the division of the property into **four** separate lots, and indicated there were zero development/improvements planned. Finelli explained there were three primary components, or objectives, that were considered: the respective existing buildings and their ancillary facilities, the existing five-acre zoning, and the existing site features such as tree lines, parking lots, etc. Finelli stated that proposed Lot 1, Lot 3, and Lot 4 all are conforming lots, but Lot 2 is undersized. Finelli explained Lot 2 could have been made into a conforming lot, but the lot line would have been located in the tree line, and also would have created a flag stem. Finelli stated there was also one ECHO housing unit on the property, but it has been removed.

Finelli explained the variances being requested by the applicant. Finelli stated there weren't any negatives to the approval of this subdivision. The property is comprised of a County complex, and no further development is planned. Finelli stated the proposed subdivision will provide the four existing facilities to be maintained on their own separate lots.

Finelli, in response to DiSessa's report letter of July 18, 2014, stated a cross access easement agreement would be provided between proposed lots 3 and 4. Finelli stated the cross easement agreement would be provided, because it would be virtually impossible to separate all the utilities for each lot. Finelli went on to explain that three wells currently provide the water to all the buildings, but one will be abandoned and two new ones drilled in order to provide each facility with their own water source.

Edleston stated the cross easement should include the Township so they cannot become embroiled in any dispute between the separate properties. Bell stated they would add a "hold harmless indemnity" clause.

Creedon expressed the opinion that it is a good idea only taking the land necessary for Lot 2, and not creating the flag stem.

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Creedon asked if there would be a right-of-way dedication on Route 625. Finelli indicated the county would ask for the right-of-way dedication, but there would be no improvements or road widening taking place.

Further questions were posed by the board regarding the wastewater facility, any wetlands, and submission to the Highlands Council.

A. Keggan asked if the possibility existed for further subdivision at a later date. Finelli replied they would have to come back to the board.

Hight asked why the #2 well had to be abandoned. Finelli stated the well is behind the delivery building for Lot 3, and not for use by Lot 2.

Farino asked what was delivered to the delivery building. Lazorisak stated the building houses the paper goods, files, equipment for maintenance, etc. Farino asked why not retain the building and the well for Lot 2. Lazorisak explained they would ultimately donate the land to the non-profit DARC facility.

The hearing was opened to the public for comments and questions.

Lisa Smith was sworn in by Edleston. Smith stated the land should remain as one lot.

Lawrence Otter was sworn in by Edleston. Otter asked questions regarding Finelli's contract with the County. Otter also asked who would provide the permits for the new wells and was told the Warren County Health Department. Otter asked further questions regarding the necessity for the subdivision. Lazorisak stated the Warren County Board of Freeholders could then sell Warren Haven as a self-contained facility if they chose to do that.

Freeholder Smith stated the Freeholder Board has been transparent in their thoughts to possibly market the facility. Smith indicated the proposed subdivision is one step toward making the facility self-contained, and there have been resolutions at the Freeholder level in support of the process.

The public portion of the hearing was closed by Edleston.

Edleston indicated the County provided a draft resolution for Land Use Board consideration, but there should be some amendments. Edleston stated the amendments should include the provision of a cross access easement, the hold harmless clause, proper assessor lot numbers, and filing the final map.

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MOTION was made by **BARTON** to endorse the proposed major subdivision for Case #14-06, Warren County Board of Chosen Freeholders, subject to the above resolution amendments.

SECONDED: WATTERS.

Those in favor: Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **FARINO** to memorialize the proposed resolution, with the incorporated amendments, for Case #14-06, Warren County Board of Chosen Freeholders.

SECONDED: SAMS.

Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Barton.

Opposed: None.

Abstained: None.

Consideration of Sustainable Land Use Pledge Resolution

J. Keggan explained the Green Team is attempting to obtain a grant for walking improvements in the Weis Market area. Keggan stated that many of the items required the Township has already adopted.

MOTION was made by **WATTERS** to endorse the proposed resolution.

SECONDED: HIGHT.

Those in favor: Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

Watters asked questions regarding a letter issued by the Treasurer regarding escrow account funds. Watters asked if the Township can keep the money if the applicants are unable to be contacted. Edleston explained there is a process to follow in order for that to happen.

Edleston explained there will be a joint meeting with the Township Committee on July 23, 2014 at 7:00 PM regarding The Meadows at Mansfield litigation. Edleston stated a Whispering Woods hearing would have to follow if a settlement is reached.

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Barton asked if there had been any word on the Messick matter. J. Keggan stated Mr. Messick has agreed to come before the board and he will provide proper notice. Keggan explained she attempted to help **him** fill out his forms.

Creedon expressed concern over the multitude of trailer, box truck, and van signage being employed in the Township. J. Keggan indicated the sign Ordinance is vague regarding that type of signage, and should **be considered for updating**.

Sams asked if there was any word on the Yusen application. Edleston replied they should be filing an application within the next month. Sams stated the business has changed management, and the new management was unaware of the issues.

Watters indicated the Township has received a \$75,000 grant from the State to be applied to the installation of the generator.

MOTION was made by **SAMS** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: HIGHT.

Those in favor: Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR TOMASZEWSKI** to adjourn the meeting at 9:18 PM.

SECONDED: HIGHT.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Amended)

